

17264 U.S. PRO
07/31/03

PATENT APPLICATION
DOCKET NO.: 43967-00025USD1

16927 U.S. PRO
07/31/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
REQUEST FOR FILING RULE 53 CONTINUATION/DIVISIONAL APPLICATION

In re Application of:
Kenneth L. Shaw

This Application is a:

Continuation)
 Continuation-in-Part)
 Divisional) application filed under 37 CFR 1.53

of pending prior application:

Serial No.: 10/192,002
Filed: July 8, 2002

Prior Examiner: Tara Mayo
Prior Group: 3671

Title: Interlocking Segmental Retaining Wall

Mail Stop Patent Application
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

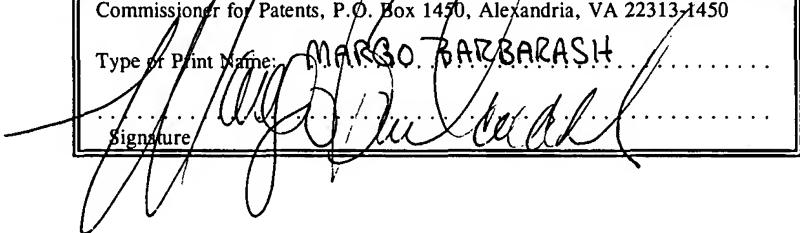
CERTIFICATE OF MAILING BY EXPRESS MAIL

"EXPRESS MAIL" Mailing Label No. EV236331676US

Date of Deposit: July 31, 2003

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Type of Print Name: MARGO BARBARASH

Signature: 

Dear Sir:

1. Attached is a specification including:

Abstract
 Specification, claims and attachments (14 pages) (must be attached)
 Drawings 5 sheet(s)/set 1 set informal;
 Formal of size 8½ x 11" A4 13" 14"

1A. Always X one box, only:

1a. Newly executed oath or declaration (original or copy) of _____ pages.

1b. A signed declaration or oath as originally filed in a prior parent application attached. Number of pages 4

(1) This application is filed by less than all of the inventors named in the prior application. Petition is hereby made requesting deletion as inventor(s) of the following who is/are not inventor(s) of the invention being claimed in this application:

1. ____ 2. ____
3. ____ 4. ____

1c. Incorporation by reference:

The entire disclosure of the prior application, from which a copy of the oath or declaration is being supplied under Box 1b is considered as being a part of the disclosure of the accompanying application and is hereby incorporated by reference herein.

1d. A declaration is not being supplied at this time. A declaration will be executed in due course and forwarded in accordance with 37 CFR 1.53(b) and 37 CFR 1.53(f).

2. Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A third copy of this letter is attached for filing in the prior application file.

3. Priority is claimed under 35 U.S.C. 119/365 based on filing in _____ (country) of

<u>Application No.</u>	<u>Filing Date</u>	<u>Application No.</u>	<u>Filing Date</u>
(1) _____	_____	(4) _____	_____
(2) _____	_____	(5) _____	_____
(3) _____	_____	(6) _____	_____

a. _____ (No.) Certified copy/copies attached.

b. Certified copy/copies previously filed on _____ in U.S. Application No. _____, filed on _____.

c. Certified copy/copies filed during International stage of PCT/_____.

d. Priority is also claimed from PCT/_____ filed _____.

X 4. Prior application is assigned to Shaw Technologies, Inc., Reel 010615, Frame 0667 recorded February 11, 2000.

5. Attached is an Assignment and Cover Sheet. Please return the recorded Assignment to the undersigned.
(NOTE: add assignment filing fee below.)

X 6. The power of attorney in the prior application is to at least:
The address of whom is in item 8.

ROBERT L. ABDON, Reg. No. 50,996
TIMOTHY G. ACKERMANN, Reg. No. 44,493
BENJAMIN J. BAI, Reg. No. 43,481
JOSEPH M. BEAUCHAMP, Reg. No. 46,544
NORMA BENNETT, Reg. No. 51,229
MICHAEL D. BERGER JR., Reg. No. 52,616
MARY JO BOLDINGH, Reg. No. 34,713
MARGARET A. BOULWARE, Reg. No. 28,708
DANIEL J. BURNHAM, Reg. No. 39,618
SORINEL CIMPOTES, Reg. No. 48,311
JASON W. COOK, Reg. No. 48,456
ANDREW G. DINOV, Reg. No. 40,115
STUART D. DWORK, Reg. No. 31,103
JANET M. GARETTO, reg. No. 42,568
MARK J. GATSCHE, Reg. No. 42,569
JOHN C. GATZ, Reg. No. 41,774

RUSSELL J. GENET, Reg. No. 42,571ANIL V.
GOLLAHALLI, Reg. No. 48,996
LEKHA GOPALAKRISHNAN, Reg. No. 46,733
STEVEN R. GREENFIELD, Reg. No. 38,166
J. PAT HEPTIG, Reg. No. 40,643
JOHN E. HYATT, Reg. No. 43,421
SHARON A. ISRAEL, Reg. No. 41,867
JOHN R. KIRK, JR., Reg. No. 24,477
PAUL R. KITCH, Reg. No. 38,206
TIMOTHY M. KOWALSKI, Reg. No. 44,192
HSIN-WEI LUANG, Reg. No. 44,213
MICHAEL W. MADDOX, Reg. No. 47,764
ROGER L. MAXWELL, Reg. No. 31,855
LISA H. MEYERHOFF, Reg. No. 36,869
ASHLEY N. MOORE, Reg. No. 51,667
STANLEY R. MOORE, Reg. No. 26,958

DANIEL G. NGUYEN, Reg. No. 42,933
CONSTANCE L. PIELECH, Reg. No. 46,991
GREGORY PORTER, Reg. No. 40,131
ROSS T. ROBINSON, Reg. No. 47,031
STEPHEN G. RUDISILL, Reg. No. 20,087
JERRY R. SELINGER, Reg. No. 26,582
ZACHARY J. SMOLINSKI, Reg. No. 47,100
JUSTIN SWINDELLS, Reg. No. 48,733
STEVE Z. SZCZEPANSKI, Reg. No. 27,957
ANDRE M. SZUWALSKI, Reg. No. 35,701
ALAN R. THIELE, Reg. No. 30,694
CYNTHIA K. THOMPSON, Reg. No. 48,655
TAMSEN VALOIR, Reg. No. 41,417
BRIAN D. WALKER, Reg. No. 37,751
HAROLD N. WELLS, Reg. No. 26,044
WILLIAM D. WIESE, Reg. No. 45,217

7.a. Recognize _____, Reg. No. _____ as having associate power of attorney.
(Name and Reg. No.; Address as in item 8 unless otherwise indicated)

7.b. _____, Reg. No. _____, was recognized as associate power of attorney in the prior application.

7.c. Since a power does not appear in the original papers, a copy of the power in the prior application is attached.

8. Address all future communications to:

Stanley R. Moore
Jenkins & Gilchrist, A Professional Corporation
1445 Ross Avenue; Suite 3200
Dallas, Texas 75202-2799

X 9. Amend the specification by inserting before the first line of the application the sentence: -- This application is a divisional of Application No.10/192,002, filed July 8, 2002 .--

9a. **PRELIMINARY AMENDMENT to be entered before fee calculation:**
Prior to a first Office Action, please enter the Preliminary Amendment attached hereto.

10. **(No.) Verified Statement(s) establishing "small entity" status under Rules 9 & 27**
 have been filed in above prior application (and is still believed to be proper and desired)
 are attached hereto.

11. **PETITION to extend the life of the above prior application to at least the date hereof.**
(One box must be X'd)
 is being concurrently filed in that prior application.
 was previously filed in that prior application (Check length of prior extension).
 is not necessary for copendency (Double check before X'ing this box).

12. **INFORMATION DISCLOSURE STATEMENT:** Attached is Form PTO-1449 listing newly cited documents not cited by Applicant or the PTO in the parent application(s) relied upon under 35 U.S.C. 120 and referenced above. Per Rule 98(d) copies of those documents are not required now. Please fully consider those documents and advise that they have been considered in this new application as by returning a copy of the enclosed Form PTO-1449 with the Examiner's initials in the left column per MPEP 609.

13. Attached is a Rule 103(a) Petition to Suspend Action.

14. The following Filing Fee calculation is based on the claims filed.

NOTE: If box 1D is X'd, do not pay any fees at this time

	NO. FILED	NO. EXTRA	RATE	Fee
BASIC FEE				\$750
TOTAL CLAIMS	13-20	0	\$18	0
INDEPENDENT CLAIMS	1- 3	0	\$84	0
MULTIPLE DEPENDENT CLAIM(S) PRESENTED				\$280
SUB-TOTAL FEES:				\$750
Deduct one-half of fee for Small Entity				-375.00
ASSIGNMENT RECORDAL FEE				\$40
TOTAL AMOUNT DUE:				\$375

15. ATTACHED: (other)
Acknowledgment Postcard

— A check in the amount of \$ to cover the TOTAL FEE is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0447.

— Please charge my Deposit Account No. 10-0447 in the amount of \$ to cover the TOTAL FEE. This sheet is attached in duplicate.

CHARGE STATEMENT: If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136. The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and may be required under 37 CFR 1.16-1.18 (missing or insufficiencies only) now or hereafter relative to this application and for the resulting Official Document under 37 CFR 1.20, OR credit any overpayment to our Deposit Account No. 10-0447, for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

Respectfully submitted,

JENKENS & GILCHRIST, P.C.

By:


Stanley R. Moore
Registration No. 26,958

1445 Ross Avenue; Suite 3200
Dallas, Texas 75202
Tel: 214/855-4713
Fax: 214/855-4300



NOTE: File this Request in duplicate with a return postcard and attachments or in triplicate if item 3 is marked.

Jenkens & Gilchrist
A PROFESSIONAL CORPORATION

1445 ROSS AVENUE
SUITE 3200
DALLAS, TEXAS 75202

(214) 855-4500
TELECOPIER (214) 855-4300

www.jenkens.com

AUSTIN, TEXAS
(512) 499-3800

HOUSTON, TEXAS
(713) 951-3300

LOS ANGELES, CALIFORNIA
(310) 820-8800

SAN ANTONIO, TEXAS
(210) 246-5000

WASHINGTON, D.C.
(202) 326-1500

AFFILIATE OFFICE
CHICAGO, ILLINOIS
(312) 425-3900

Stanley R. Moore
(214) 855-4713
smoore@jenkens.com

Mail Stop Patent Application
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING BY EXPRESS MAIL

"EXPRESS MAIL" Mailing Label No. EV236331676US

Date of Deposit: July 31, 2003
I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail/Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Patent Application, Commissioner for Patents, Post Office Box 1450, Alexandria, VA 22313-1450

Type or Print Name: M. BARBARA S. +

Signature:

Re: Applicant(s): Kenneth L. Shaw
For: Interlocking Segmental Retaining Wall
Docket No.: 43967-00025USD1

Dear Sir:

Transmitted for filing with the Patent and Trademark Office are the following documents for the above-referenced patent application:

1. Rule 53(b) Continuation/Divisional
2. Specification, claims & abstract (total of 14 pages)
3. 5 sheets of drawings
4. Declaration and Power of Attorney (Executed)
5. Preliminary Amendment
6. Acknowledgment Postcard.

Please address all communications related to this to:

Stanley R. Moore
Jenkens & Gilchrist, P.C.
1445 Ross Avenue, Suite 3200
Dallas, Texas 75202-2799

In the event there is an under or over payment, please debit or credit our Deposit Account #10-0447.

Respectfully submitted,

Stanley R. Moore
Registration No. 26,958